

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARTINA HENRY,

Plaintiff,

ANSWER

-against-

15-CV-3241

CAPITAL ONE BANK (USA), N.A.;  
CHASE BANK USA, N.A.; WELLS  
FARGO FINANCIAL NATIONAL BANK;  
US BANK N.A.; LVNV FUNDING, LLC;  
SECOND ROUND LIMITED PARTNERSHIP;  
EXPERIAN INFORMATION SOLUTIONS, INC.;  
TRANS UNION, LLC; and EQUIFAX  
INFORMATION SERVICES, LLC,

Defendants.

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Defendant, LVNV FUNDING, LLC, by its attorney, Barron & Newburger, P.C., answers plaintiff's complaint as follows:

1. Defendant denies the allegations in this paragraph that it "repeatedly refused to comply with its legal obligations," otherwise denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "1" of the complaint.

2. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "2" of the complaint.

3. Defendant denies each and every the allegation contained in paragraph "3" of the complaint.

4. Defendant acknowledges being sued pursuant to Federal and State law, but denies any violation thereof.

5. Defendant admits the allegations contained in paragraph "5" of the complaint.

6. Defendant admits the allegations contained in paragraph "6" of the complaint.

7. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

8. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

9. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

10. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

11. Defendant admits the allegations contained in paragraph "11" of the complaint..

12. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

13. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

14. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

15. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

16. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "16" of the complaint.

17. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "17" of the complaint.

18. Defendant denies knowledge or information sufficient to form a belief as to the allegation contained in paragraph "18" of the complaint, except that defendant admits that it attempted to collect a debt from the plaintiff.

19. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

20. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

21. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

22. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.



23. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

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34. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

35. Defendant admits the allegations contained in paragraph "35" of the complaint.

36. Defendant admits the allegations contained in paragraph "36" of the complaint.

37. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "37" of the complaint.

38. Defendant denies each and every allegation contained in paragraph "38" of the complaint.

39. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

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41. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

42. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

43. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

44. Defendant repeats and realleges its previous admissions and denials contained in paragraphs "1" through 43" of the complaint.

45. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

46. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

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53. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

54. Defendant denies each and every allegation contained in paragraph "54" of the complaint.



55. Defendant denies each and every allegation contained in paragraph "55" of the complaint.

56. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

57. Defendant denies each and every allegation contained in paragraph "57" of the complaint.

58. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

59. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

60. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

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63. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

64. This paragraph contains no factual allegations directed against the answering defendant and requires no admissions or denials.

65. Defendant repeats and realleges its previous admissions and denies contained in paragraphs "1" through "64" of the complaint.

66. Defendant admits the allegations contained in paragraph "66" of the complaint.

67. Defendant admits the allegations contained in paragraph "67" of the complaint.

68. Defendant admits the allegations contained in paragraph "68" of the complaint.

69. Defendant denies each and every allegation contained in paragraph "69" of the complaint.

70. Defendant denies each and every allegation contained in paragraph "70" of the complaint.

71. Defendant denies each and every allegation contained in paragraph "71" of the complaint.

72. Defendant denies each and every allegation contained in paragraph "72" of the complaint.

73. Defendant denies each and every allegation contained in paragraph "73" of the complaint.

74. Defendant denies each and every allegation contained in paragraph "74" of the complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

75. Plaintiff has failed to state a claim against LVNV Funding, LLC, upon which relief may be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**



76. Plaintiff's State law and Common law claims are pre-empted by the Fair Credit Reporting Act, 15 U.S.C., Section 1681, et seq.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

77. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

78. Plaintiff's damages are the result of acts or omissions committed by other parties over whom LVNV Funding, LLC has no responsibility or control.

WHEREFORE, defendant respectfully requests that plaintiff's complaint be dismissed.

Dated: New City, NY  
June 11, 2015



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